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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,618	12/16/2003	Bryan Elwood	87334.5940	2670
7590	10/20/2004		EXAMINER	
BAKER & HOSTETLER LLP			BHAT, ADITYA S	
Suite 1100			ART UNIT	PAPER NUMBER
Washington Square				
1050 Connecticut Avenue, N.W.			2863	
Washington, DC 20036			DATE MAILED: 10/20/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/735,618	ELWOOD ET AL.
	Examiner	Art Unit
	Aditya S Bhat	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Petite et al. (USPN 6,437,692).

With regards to claim 1, Petite et al. (USPN 6,437,692) teaches an apparatus for monitoring equipment comprising:

a sensor attached to the equipment for sensing an environmental condition of the equipment;(310; Figure 3C) and

a node to receive signals from the sensor, wherein in response to the environmental condition falling outside a range between a first value and a second value, the node controls a backup system to substantially return the environmental condition to between the first value the second value. (1010; Figure 10)

With regards to claim 2, Petite et al. (USPN 6,437,692) teaches a file stored to the node, wherein the node stores the environmental condition of the equipment to the file. (Col.11, lines 30-32)

With regards to claim 3, Petite et al. (USPN 6,437,692) teaches an alarm to emit at least one of a visual and auditory signal, the alarm being activated by the node in

response to the environmental condition being outside the range between the first value and the second value. (Col.15, lines 35-65)

With regards to claim 4, Petite et al. (USPN 6,437,692) teaches a network; (230; Figure 4) and a controller to communicate with the node across the network (422; Figure 4)

With regards to claim 5, Petite et al. (USPN 6,437,692) teaches the controller queries the node for the environmental conditions. (325; Figure 3D)

With regards to claim 6, Petite et al. (USPN 6,437,692) teaches a display device attached to the controller to display the environmental conditions. (321; Figure 3D)

With regards to claim 7, Petite et al. (USPN 6,437,692) teaches an input device attached to the controller to provide a user with the capability to program the controller. (Col. 8,lines 28-39)

With regards to claim 8, Petite et al. (USPN 6,437,692) teaches a computer code to control the actions of the node, wherein the controller updates the computer code across the network. (324;Col.9, lines 5-11)

With regards to claim 9, Petite et al. (USPN 6,437,692) teaches an apparatus to remotely monitor equipment, the apparatus comprising:

means for querying a sensor attached the equipment, the sensor generating a signal in response to an environmental condition of the equipment; (110-17; Figure 1)  
means for receiving the signal; (110; figure 1)

means for calculating a value based on the signal and a response curve of the sensor; (110:figure 1)

means for comparing the calculated value to a range between a first value and a second value; (422,425; figure 4) and

means for modulating a backup system attached to the equipment in response to the calculated value being outside the first value and the second value. (1010; figure 10)

With regards to claims 10,16 and 22 Petite et al. (USPN 6,437,692) teaches means for generating a file on the node. (Col. 11, lines 30-32)

With regards to claims 11, 17 and 23 Petite et al. (USPN 6,437,692) teaches means for storing a unique identifier associated with the equipment to the tile. (330; Figure 3B)

With regards to claims 12, 18 and 24 Petite et al. (USPN 6,437,692) teaches means for monitoring the node across a network. (Figure 6)

With regards to claims 13,19 and 25 Petite et al. (USPN 6,437,692) teaches means for updating a computer code in response to receiving code across the network. (324;Col. 9, lines 5-11)

With regards to claims 14, 20 and 26 Petite et al. (USPN 6,437,692) teaches means for querying the node across the network for the environmental conditions, and means for receiving the environmental conditions in response to the query.(Col.9-10, lines 52-67 & 1-10)

With regards to claim 15 Petite et al. (USPN 6,437,692) teaches a method that provides remote diagnostic and control capability for equipment, the method comprising:

querying a sensor attached the equipment, the sensor generating a signal in response to an environmental condition of the equipment; ; (110-117; Figure 1)

receiving the signal; (110; figure 1)

calculating a value based on the signal and a response curve of the sensor; (110; figure 1)

comparing the calculated value to a range between a first value and a second value; (422,425; figure 425) and

modulating a backup system attached to the equipment in response to the calculated value being outside the first value and the second value. (1010; figure 10)

With regards to claim 21, Petite et al. (USPN 6,437,692) teaches computer readable storage medium on which is embedded one or more computer programs implementing a method that provides remote diagnostic and control capability for equipment, the one or more computer programs comprising a set of instructions for:

querying a sensor attached the equipment, the sensor generating a signal in response to an environmental condition of the equipment; (110-117; figure 1)

receiving the signal, (110; figure 1)

calculating a value based on the signal and a response curve of the sensor; (110; figure 1)

comparing the calculated value to a range between a first value and a second value; (422,425; figure 425) and

modulating a backup system attached to the equipment in response to the calculated value being outside the first value and the second value. (1010; figure 10)

***Conclusion***

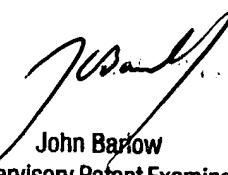
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al. (USPN 6,622,115) teaches a managing an environment according to environmental preferences retrieved from a personal storage device

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat  
October 15, 2004



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800